

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: IRAJ DERAKHSHAN, M.D.

**ORDER OF REVOCATION OF LICENSE
TO PRACTICE MEDICINE AND SURGERY**

1. The West Virginia Board of Medicine [sometimes referred to herein as “the Board”] is the sole authority for the issuance of licenses to practice medicine and surgery in the State of West Virginia. W.Va. Code §30-3-5.
2. The Board is also the “regulatory and disciplinary body for the practice of medicine and surgery” in West Virginia. W.Va. Code §30-3-5 and §30-3-7(a).
3. In regulating the licensure and discipline of physicians, the West Virginia Board of Medicine seeks to ensure “a professional environment that encourages the delivery of quality medical services” in West Virginia. W.Va. Code §30-3-2.
4. Iraj Derakhshan, M.D. [“Dr. Derakhshan”] holds a license to practice medicine and surgery in the State of West Virginia, License No. 18591, which was first issued in June 1996.
5. Dr. Derakhshan’s West Virginia medical license is currently in suspended status pursuant to the January 28, 2016 Final Order of the Board in the matter of Complaint No. 13-134-W.
6. Dr. Derakhshan’s address of record with the Board is in Charleston, West Virginia.
7. On or about March 21, 2016, the United States filed an Information against Dr. Derakhshan in the United States District Court for the Southern District of West Virginia,

Criminal No. 2:16-00055. The Information charged Dr. Derakhshan with one felony count of violating 21 U.S.C. §843(a)(4)(A). A certified copy of the Information is attached hereto as Exhibit 1.

8. On April 21, 2016, Dr. Derakhshan filed a written Guilty Plea to the felony charge set forth in the Information. A certified copy of the Guilty Plea is attached hereto as Exhibit 2.

9. On April 21, 2016 a copy of Dr. Derakhshan's plea agreement was filed with the United States District Court for the Southern District of West Virginia. A certified copy of the Plea Agreement is attached hereto as Exhibit 3.

10. As part of his plea agreement, Dr. Derakhshan agreed to permanently surrender his Drug Enforcement Administration Certification of Registration, and further agreed not to oppose revocation of his registration to dispense controlled substances on the grounds that: he has been convicted of a felony relating to a controlled substance; and that he has committed "such acts as would render his registration under 21 U.S.C. §823 inconsistent with the public interest as determined under that section." Exhibit 3, p. 2.

11. As part of his plea agreement, Dr. Derakhshan entered into a stipulation of the following facts which comprise the offense of conviction:

- a. At all relevant times, Dr. Derakhshan was a practicing physician registered with the Drug Enforcement Agency ("DEA") and was authorized to prescribe controlled substances.
- b. At no time was Dr. Derakhshan authorized to dispense controlled substances.
- c. Prior to June 18, 2015, Dr. Derakhshan had acquired and obtained possession of a quantity of Fentanyl, a Schedule II controlled substance, from Patient A, a person known to the Attorney for the

United States, which patient had properly filled a Fentanyl prescription written by Dr. Derakhshan, and who then returned an unused portion of the drug to Dr. Derakhshan's office after having an adverse reaction thereto.

- d. On or about June 18, 2015, at or near Charleston, Kanawha County, West Virginia, within the Southern District of West Virginia, Dr. Derakhshan dispensed a quantity of the above-referenced Fentanyl, to Patient B, a person known to the Attorney for the United States.
- e. The above-referenced dispensing of Fentanyl to Patient B was not lawful; it was not done by authorized written prescription, and thus, not properly presented to a pharmacy to be filled, and its dispensing therefore was untraceable and unrecorded by the West Virginia Board of Pharmacy.
- f. On or about June 18, 2015, Dr. Derakhshan knowingly and intentionally failed to report and record material information regarding the dispensed Fentanyl, as he was required to do pursuant to federal drug law. Specifically, 21 C.F.R. 1304.04(g) requires that a log book be maintained in a central location within a doctor's office, one that is kept separate from all other records, and one that reflects any and all dispensing of Schedule I or II controlled substances to patients. 21 C.F.R. §1304.04(f)(1) requires that "inventories and records of controlled substances listed in Schedule I and II shall be maintained separately from all of the records of the registrant."
- g. On or about June 18, 2015, Dr. Derakhshan knowingly and intentionally omitted, that is, failed to maintain, material dispensing information by report, record, or otherwise, which was specifically required by 21 C.F.R. §1304.04, as more fully described above.

See Exhibit 3, pp. 10-11 (Plea Agreement Exhibit B).

12. The stipulated facts which comprise the offense of conviction did not form the basis of Complaint No. 13-134-W, were not adjudicated during that proceeding, and did not form the basis for the discipline imposed by the Board's Final Order of January 28, 2016.

13. On April 21, 2016, a plea hearing convened before the Honorable John T. Copenhaver, Jr. in the United States District Court for the Southern District of West Virginia, at which time Dr. Derakhshan's guilty plea was received by the Court.

14. The Court found a factual basis for the plea, accepted the plea and plea agreement and adjudged Dr. Derakhshan guilty of the felony count set forth in the Information. A copy of May 4, 2016 Order following the April 21, 2016 plea hearing is attached as Exhibit 4.

15. West Virginia Code §30-3-14(d) imposes a nondiscretionary duty upon the Board to revoke a license if a licensee has been found guilty and/or pled guilty in a court of competent jurisdiction to felonies involving prescribing, selling, administering, dispensing, mixing or otherwise preparing a prescription drug, including a controlled substance under state or federal law, for other than generally accepted therapeutic purposes. W. Va. Code §30-3-14(d).

16. At its regular meeting on May 16, 2016, where a quorum of the Board was present, the West Virginia Board of Medicine received and reviewed Exhibits 1 through 4.

17. Thereupon, the Board determined that it had received sufficient proof to determine that Dr. Derakhshan had been found guilty and/or pled guilty in a court of competent jurisdiction to felonies involving prescribing, selling, administering, dispensing, mixing or otherwise preparing a prescription drug, including a controlled substance under state or federal law, for other than generally accepted therapeutic purposes.

18. Pursuant to West Virginia Code §30-3-14(d), the Board concluded that as a matter of law, the license to practice medicine and surgery of Dr. Derakhshan, License No. 18591, must, as a matter of law, be **REVOKED**.

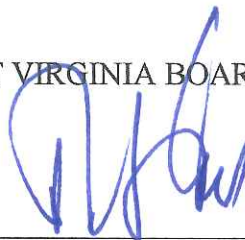
19. Accordingly, the Board, with a quorum present, voted unanimously at said regular meeting to **REVOKE** the license to practice medicine and surgery of Dr. Derakhshan.

WHEREFORE, it is **ORDERED** that the license to practice medicine and surgery of Iraj Derakhshan, M.D., License No. 18591, originally issued by the Board in June 1996, is hereby **REVOKED**, effective immediately upon entry of this Order.

The Executive Director of the West Virginia Board of Medicine is hereby authorized to denote the date of entry on behalf of the Board in accordance with this paragraph.

ENTERED ON: May 16, 2016

WEST VIRGINIA BOARD OF MEDICINE



Ahmed Daver Faheem, M.D.

President

Date: 5-16-16



Rahul Gupta, M.D., M.P.H.

Secretary

Date: 5/16/2016

**Exhibits on file
with
The West Virginia
Board of Medicine**